

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKMAURICIO ZAVALA, on behalf of himself,
FLSA Collective Plaintiffs and the Class,

Plaintiff,

v.

MOZO EXCAVATION INC., d/b/a Mozo
Excavation, MOZO VENTURES INC., d/b/a 84
Landscaping, MONICA MOZO, and JOSE
MOZO,

Defendants.

USDC SDNY
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ORDER

21 CV 6882 (VB)

On August 16, 2021, plaintiff commenced the instant action. (Doc. #1).

On September 9, 2021, plaintiff docketed two affidavits of service indicating service on defendant Mozo Ventures, Inc. on September 7, 2021 (Doc. #16), and on defendant Mozo Excavations, Inc., also on September 7, 2021 (Doc. #17). Accordingly, defendants Mozo Ventures, Inc. and Mozo Excavations, Inc. had until September 28, 2021, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

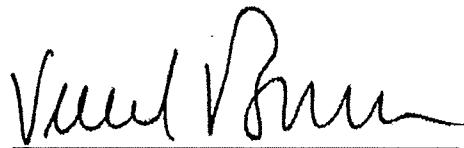
On October 13, 2021, plaintiff docketed two affidavits of service indicating service on defendants Jose Mozo on September 27, 2021 (Doc. #22), and on defendant Monica Mozo, also on September 27, 2021 (Doc. #23). Accordingly, defendants Jose Mozo and Monica Mozo had until October 18, 2021, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendants have not answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendants remain in default, plaintiff is ORDERED to seek a certificate of default as to defendants by **November 12, 2021**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants by **November 29, 2021**. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: October 28, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge